

Remarks

Claims 1-4, 6, 9-13, 16-17, and 20-23 were rejected as anticipated by Yang et al. Enclosed is a Declaration under 37 C.F.R. §1.131 by one of inventors, Christopher Kramer, showing that the invention of the application was conceived in the U.S. before the April 1, 1999 effective date of the reference NASA Technology Brief, JPL New Technology Report NPO-20866, including Yang et al. (i.e., the paper by Guang Yang, Chao Sun, Chris Wrigley, David Stack, and Bedabrata Pain, entitled "Multi-acuity, Multi-window Dynamically Reconfigurable CMOS Imager for Real-Time Active Vision Systems"). Yang et al. is a part of that NASA Technology Brief as evident from the common stamp 0464 2086 on the top of each page of the NASA Technology Brief. Thus, Applicants have provided evidence of the claimed invention prior to the April 1, 1999 effective date of Yang et al. reference relied upon by the Examiner, and Claims 1-4, 6, 9-13, 16-17, and 20-23 should no longer stand rejected under 35 U.S.C. §102.

Claims 5, 14, 15, and 18, were rejected as unpatentable over Yang et al. in view of Yoshimura et al., Kimata, Fossum et al., and Chao et al., respectively. As Yang et al. is no longer a proper 35 U.S.C. §102 prior art reference, neither Yoshimura et al., Kimata, Fossum et al., nor Chao et al. can be combined with Yang et al. to reject Claims 5, 14, 15, and 18, respectively, under 35 U.S.C. §103. Accordingly, withdrawal of the rejection of these claims is requested.

Claims 7, 8, and 19 were rejected as unpatentable over Yang et al. As Yang et al. is no longer a proper 35 U.S.C. §102 prior art reference, it cannot represent a proper reference under a 35 U.S.C. §103 rejection. Thus, withdrawal of the rejection of these claims is also requested.


Applicants have amended the specification and claims to correct informalities noted by the Examiner in the Office Action.

A Second Supplemental Information Disclosure Statement is enclosed.

It is believed that the Application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: March 8, 2004

  
Kenneth J. LuKacher  
Attorney for Applicant(s)  
Registration No. 38,539

South Winton Court  
3136 Winton Road South, Suite 204  
Rochester, New York 14623  
Telephone: (585) 424-2670  
Facsimile: (585) 424-6196

Enclosures: Declaration Under 37 C.F.R. §1.131;  
Petition for one-month extension of time with check for \$110.00;  
Second Supplemental Information Disclosure Statement with two references; and  
Certificate of Mailing by First Class Mail.